

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| -----X | : | |
| ANTHONY ANDRE PAUL, et al., | : | |
| | : | |
| Plaintiff, | : | |
| | : | 16-CV-1952 (VSB) |
| - against - | : | |
| | : | <u>ORDER</u> |
| | : | |
| NORTH CENTRAL BRONX HOSPITAL, et | : | |
| al., | : | |
| | : | |
| Defendants. | : | |
| -----X | : | |

VERNON S. BRODERICK, United States District Judge:

I am in receipt of the parties' respective motions in limine, (Docs. 326–329), memoranda in opposition, (Docs. 334–338, 341), supplemental motions in limine, (Docs. 347–349), and the joint amended exhibit list, (Doc. 343). Attached is a copy of the voir dire questions I intend to ask prospective jurors during jury selection. In advance of the final pretrial conference on April 30, 2024 at 1:00 PM, it is hereby:


ORDERED that the Officer Defendants provide clarification by close of business on Monday, April 29, 2024, as to whether they object to the reliability of Dr. Whaley's report and testimony in full, including as it pertains to the cause and manner of death.

IT IS FURTHER ORDERED that the parties meet and confer to discuss whether a stipulation could resolve the parties' dispute regarding Plaintiff's Exhibit 38. If the parties cannot agree on a stipulation, or if either party objects to another parties' proposed stipulation, the parties should be prepared to discuss the basis for their objection at the final pretrial conference.

IT IS FURTHER ORDERED that the parties meet and confer and propose a joint summary of the case to be read to the jury pool in advance of voir dire and provide that summary by close of business on Monday, April 29, 2024.

SO ORDERED.

Dated: April 26, 2024
New York, New York


Vernon S. Broderick
United States District Judge

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| al., | : | |
| | : | |
| Defendants. | : | |
| -----X | : | |

VERNON S. BRODERICK, United States District Judge:

QUESTIONS FOR POTENTIAL JURORS

Please indicate if your answer to any of the following questions is “yes.” If you would prefer not to give your answer in open court, please say so.

PART I:

1. Do you have any problems with your hearing or vision that would prevent you from giving attention to all the evidence at trial?
2. Do you have any medical problems, are you taking any medication, or do you suffer from any condition that might interfere with your service as a juror in this case or make it difficult for you to give the case your full attention?
3. Do you have any difficulty understanding or reading English?
4. Do you have any reservations about discussing your opinions with other people?

5. Do you have any reservations about sitting in judgment of others?
6. Do you have any personal knowledge of the claims in the case as I have described them to you?
7. Is there anything about the nature of the claims that would prevent you from deciding the issues in this case fairly and impartially?
8. Have you read or heard anything about this case from any source whatsoever, prior to today? If so, is there anything you have read or heard that would prevent you from deciding the issues in this case fairly and impartially?
9. Do you know either of the attorneys for the Plaintiff, the Cochran Firm, Tracey Lyn Brown or Derek S. Sells?
10. Do you know any of the attorneys for the Defendants, the Corporation Counsel of the City of New York, Susan P. Scharfstein, Hannah Victoria Faddis, or Adam Bevelacqua?
11. Do you know either of the attorneys for the Defendants, North Central Bronx Hospital and New York City Health And Hospitals Corporation, Patrick J. Brennan or Kaitlin Stavnitsky Drummond?
12. The plaintiff in this case is the estate of the deceased, Anthony Andre Paul II, administrators Alberty Paul and Anthony Andre Paul. Do you know any of these individuals?
13. The Officer Defendants in this case are current and former New York City Police Officers: Vincent Giordano, Eugene McCarthy, Michael Licitra, Anthony

DiFrancesca, Richard Hefner, Aramis Ramos, Darren McNamara, and Kevin

O'Doherty. Do you know any of the Officer Defendants?

14. Do you know any of the following individuals who may testify or be mentioned during this trial?

- a. Curtis Joseph
- b. Finbarr McCarthy
- c. Officer Gezurian
- d. Josip Sovulj
- e. Samuel Baez-Veras
- f. Dana Baier
- g. Wenceslao David Perez
- h. Joshua Silverberg
- i. Nelma Matira
- j. Nelson Sweeting
- k. Monica Smiddy
- l. Steve Ashley
- m. Walter Signorelli
- n. Kevin Whaly
- o. Evan Cohen
- p. Marilyn Abrams
- q. Michelle Charles
- r. Brian Wargo
- s. James Dameron
- t. Brendan McMorrow
- u. Debra Jack
- v. Albert Lindquist
- w. Ralph Hicks
- x. John Sprague
- y. Kevin Maloney
- z. John Flynn
- aa. Lloyd Arscott
- bb. Stacey Hail
- cc. Mark Kroll
- dd. John Peters
- ee. Richard Luceri
- ff. Germain Panes
- gg. Andrew Stolbach
- hh. James Terzian

15. If you know any of these people, is there anything about your relationship that would prevent you from deciding the issues in this case fairly and impartially?
16. Have you ever been a party to a civil lawsuit, whether by having brought the lawsuit or by defending the lawsuit? If so,
- a. What was the nature of the case?
 - b. Were you the plaintiff or the defendant?
 - c. Were you represented by a lawyer?
 - d. Was there a trial before a judge or a jury?
 - e. Without saying what the verdict was, did the jury reach a verdict? How did the lawsuit conclude?
17. Have any of your close friends or relatives ever been a party to a civil lawsuit, whether by having brought the lawsuit or by defending the lawsuit? If so,
- a. What were the circumstances?
 - b. Was the trial before a judge or a jury?
 - c. Was your friend or relative the plaintiff or the defendant?
 - d. Were they represented by a lawyer?
 - e. Without saying what the verdict was, did the jury reach a verdict?
 - f. Were you involved in the case in any way?
 - g. Were any of the parties to the lawsuit law enforcement officers or agencies?
18. Have you ever been arrested before? If so,
- a. What were the circumstances?
 - b. Were you charged with a crime?

- c. Was the crime a misdemeanor or a felony?
- d. Were you prosecuted?
- e. What was the result of the case?

19. Have you ever been treated or hospitalized for any mental illness? If so,

- a. What were the circumstances?
- b. Were you hospitalized? Was your hospitalization voluntary or involuntary?
- c. Is there anything about the circumstances related to your treatment or hospitalization that would prevent you from deciding the issues in this case fairly and impartially?

20. Has a relative or someone close to you ever been treated or hospitalized for any mental illness? If so,

- a. What were the circumstances?
- b. Were they hospitalized? Was the hospitalization voluntary or involuntary?
- c. Is there anything about the circumstances related to their treatment or hospitalization that would prevent you from deciding the issues in this case fairly and impartially?

21. Have you or anyone close to you been a victim of a crime?

- a. What was the nature of the crime?
- b. Was anyone ever prosecuted for the crime?
- c. If so, what was the outcome of the prosecution?

22. Are you or is any member of your family an attorney? If so,

- a. In what area did you or your family member practice law?

- b. Did you or your family member ever participate in a trial as trial counsel?
- c. Did you or your family member ever participate in a case involving allegations related to the civil rights statute 42 United States Code, Section 1983?
- d. Did you or your family member ever participate in a case involving allegations related to medical malpractice or wrongful death?
- e. Is there anything about the fact that you or your family member is or was an attorney that would prevent you from deciding the issues in this case fairly and impartially?

23. Are you or is any member of your family a law enforcement officer?

- a. If yes, in what position?
- b. Is there anything about the fact that you or your family member were a law enforcement officer that would cause you not to be fair and impartial in this case?

24. Have you or a member of your family or household or any close friend ever had any interaction with the New York City Police Department, or any other police department or law enforcement agency?

- a. If yes, what was the nature of the interaction?
- b. Is there anything about that interaction that would cause you not to be fair and impartial in this case?

25. Certain witnesses who may be called are or were members of law enforcement.

Would you give greater weight to a law enforcement officer's statements or be more likely to believe a law enforcement officer's statements simply because he or she is a member of law enforcement?

26. Are you or is any member of your family employed by the City of New York?
- a. If so, what job do you or your family member hold, and what are your or your family member's responsibilities?
 - b. Is there anything about the fact that you or a member of your family is employed by the City of New York that would cause you not to be able to be fair and impartial in this case?
27. Do you know of the New York City Health and Hospitals Corporation or North Central Bronx Hospital? Are you or is any member of your family employed by the New York Health and Hospitals Corporation or North Central Bronx Hospital?
- a. If so, what job do you or they hold, and what are your or their responsibilities?
 - b. Is there anything about the fact that you or a member of your family is employed by the New York Health and Hospitals Corporation or North Central Bronx Hospital that would cause you not to be able to be fair and impartial in this case?
28. Have you or any member of your family received any medical treatment either at a New York City Health and Hospitals Corporation clinic, office or hospital, or North Central Bronx Hospital? If so, please explain the circumstances. Would anything about that experience prevent you from rendering a fair and impartial verdict in this case?
29. Do you believe that you have, or that any close friend or relative has, been injured by a doctor, nurse, or other health care provider? If so, what were the circumstances?

Did you or they try to do anything about it? What did you try and do? What was the outcome? Did you think the outcome was fair?

30. Are you familiar with Freedom House? What do you know about it? Is there anything about the fact that the decedent was a resident of Freedom House that would cause you not to be able to be fair and impartial in this case?
31. Are you or is any member of your family a medical doctor?
32. Certain witnesses who may be called are or were medical doctors. Would you give greater weight to a doctor's statements or be more likely to believe a doctor's statements simply because he or she is a doctor?
33. Are you or is any member of your family a mental health professional?
34. Certain witnesses who may be called are or were mental health professionals. Would you give greater weight to a mental health professional's statements or be more likely to believe a mental health professional's statements simply because he or she is a mental health professional?
35. Have you or any member of your family been a party or a witness in a litigation? If so, were you or your family member a party or witness? What was the nature of the litigation? What was the result of the litigation? Is there anything about that experience that would cause you not to be able to be fair and impartial in this case?
36. Have you ever served as a juror before? If so,
- a. Have you served on a criminal jury, a civil jury, or both?
 - b. When was the last time you served on a jury?

c. Have you ever served as a jury foreperson? If so, was the case a civil or criminal case?

d. Is there anything about that experience that would prevent you from being fair and impartial in this case?

37. Some of the participants in this case are ethnic or religious minorities. Would anything about that fact prevent you from being fair and impartial in this case?

38. After hearing all of the evidence, should you find a violation of someone's constitutional rights, would you have difficulty awarding money damages, including damages for pain and suffering?

PART II:

1. What is your full name?
2. Where do you live? How long have you lived there? Do you own your home or rent?
3. Are you employed? If so, what is your job?
4. Are there other adults in your household? If so, how are they employed?
5. If you are retired, what work did you do before retiring?
6. Please describe your educational background, including any training institutes, colleges, and graduate schools.
7. Have you ever served in the military? Which branch? What rank did you hold?
What duties did you have? Were you ever in the military police?
8. Do you have children? How old are they? Are they in school? If they are employed, how are they employed?
9. Do you have hobbies and, if so, what are they?
10. What do you do on the weekends?
11. Are you a member of any organizations? If so, which ones?
12. How, if at all, do you keep up on current events?
13. Do you utilize social media? If so, what social media platforms to you regularly use?
14. Do you maintain or contribute to a blog? If so, what issues or topics are discussed on the blog?

15. Do you regularly read books? If so, what type(s)?
16. Do you regularly watch television? What TV shows do you watch?
17. Do you regularly listen to any podcasts? Which podcasts?
18. Are you a member of any groups or civic organizations?
19. Do you know or recognize any other people on this jury panel?
20. Who is a famous person, either living or death, that you admire? Briefly explain why.